

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TERRY JORDAN,

Petitioner,

v.

Case No. 06-C-799

STEVE WATTERS,

Respondent.

ORDER

Following some procedural wrangling, this matter has been remanded so that I may exercise my authority under Fed. R. Civ. P. 60(b)(1) to grant relief from the judgment entered in this case. As set forth previously, the case was dismissed on the ground that the plaintiff had failed to exhaust his state remedies. It now appears that petitioner *has* exhausted the applicable remedies as to the arguments he now presses. Accordingly, the petitioner's motion for reconsideration is **GRANTED** and the judgment is **VACATED**.

IT IS FURTHER ORDERED that within 30 days of the date of this order respondent answer the petition, complying with Rule 5 of the Rules Governing § 2254 Cases, and showing cause, if any, why the writ should not issue.

FURTHER, IT IS ORDERED that unless respondent files a dispositive motion with its answer the parties shall abide by the following schedule regarding the filing of briefs on the merits of petitioner's claims: (1) petitioner shall have 45 days following the filing of respondent's answer within which to file his brief (if any) in support of his petition; (2) respondent shall have 45 days

following the filing of petitioner's initial brief (or the date it was due) within which to file a brief in opposition; and (3) petitioner shall have 30 days following the filing of respondent's opposition brief within which to file a reply brief, if any. If respondent files a dispositive motion and supporting brief with its answer, this briefing schedule will be suspended and the briefing schedule will instead be as follows: (1) petitioner shall have 30 days following the filing of respondent's dispositive motion and supporting initial brief within which to file a brief in opposition; and (2) respondent shall have 15 days following the filing of petitioner's opposition brief within which to file a reply brief, if any.

Pursuant to Civil L.R. 7.1(f), the following page limitations apply: briefs in support of or in opposition to the habeas petition or a dispositive motion filed by respondent must not exceed thirty pages and reply briefs must not exceed fifteen pages, not counting any statements of facts, exhibits, and affidavits.

SO ORDERED this 23rd day of January, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge